

**Principles for
Local Government
Reform
in England**

ONE SHILLING

THE LABOUR PARTY

FOREWORD

Modernisation of the machinery of Government is a vital part of the creation of a truly up-to-date Britain. Part of this modernisation is the reforming of the structure of local government. It is vitally important, and of particular interest, to members of the Labour Party, many of whom give up considerable time each week for council work.

The National Executive Committee has, therefore, taken an active interest in the whole question of local government reform. Following the publication of the Redcliffe-Maud Report on Reform of Local Government in England, we produced a document outlining the Commission's recommendations. This formed a basis for discussion with Labour Party members at a series of regional conferences which the National Executive Committee held during October.

The conferences showed that there was widespread agreement on many aspects of reform in England. This document has, therefore, been written in the light of the discussions at the conferences and written representations received at head office. It sets out the principles which the National Executive Committee believes the Government should bear in mind in drawing up proposals for Local Government Reform in England.

HARRY NICHOLAS,
General Secretary.

PRINCIPLES FOR LOCAL GOVERNMENT REFORM IN ENGLAND

The recent eight regional conferences held by the National Executive Committee showed that there was widespread agreement on many aspects of local government reform amongst Labour Party members in England. This paper, written in the light of the conferences and the written representations received at head office, contains recommendations on the principles and policies to be followed in reforming local government in England.

METROPOLITAN AUTHORITIES

The Redcliffe-Maud Report recommended the creation of three metropolitan authorities—SELNEC, Merseyside and West Midlands. But there are a number of other areas which could be suitably covered by metropolitan authorities, and the proposal that the metropolitan concept should be extended in this way received widespread support at the regional conferences.

Accordingly, we recommend that consideration be given to the possibility of creating additional metropolitan areas such as Tyneside, Teesside, South Hampshire, Leeds/Bradford and Sheffield; and to the possibility of creating two metropolitan authorities in the West Midlands—one centred on Birmingham and one on the five county boroughs. The creation of two rather than one metropolitan authority would counter the possibility that a single West Midlands metropolitan authority might be too dominant in relation to the surrounding unitary authorities. Furthermore, it has been suggested by some experts that a third metropolitan authority might be created in Lancashire, so as to meet the needs of the proposed Preston/Leyland/Chorley new town area. Though some may consider the arguments for and against the creation of such an authority are finely matched, on balance the creation of such a metropolitan authority would not appear to be necessary at this time.

The proposed distribution of functions between the metropolitan authorities and the metropolitan district councils

would seem on the whole satisfactory, but it is doubtful whether some of the districts would be really suitable as education authorities. In the circumstances it is recommended that responsibility for all aspects of education in the metropolitan areas be placed on the metropolitan authorities and not on the metropolitan districts. It has been suggested by some experts that responsibility for further education should rest with metropolitan authorities and responsibility for other aspects of the education service with the metropolitan districts. However, the inter-dependence of the day-to-day administration of all aspects of the local authority education service is one which should be reflected in the structure, particularly as the extending of the period for compulsory full-time education will accentuate this inter-dependence.

UNITARY AUTHORITIES

The proposal for unitary authorities received wide support at the N.E.C.'s regional conferences. It was argued that by placing responsibility for all services on one authority, local government and its services would be more comprehensible to the public, councillors would be less frustrated in their tasks, and the quality of services would be improved through greater co-ordination. There are a number of other advantages which would result from the creation of unitary authorities and, outside the major conurbations, it would seem to be the most satisfactory system of local government. However, it might be desirable to consider the creation of a very few more unitary authorities than those proposed by Redcliffe-Maud. Areas where such a change might be desirable are those which do not have sufficient community of interest, or where there is a wide geographical scatter of population or where the existence of rival urban centres could hinder the growth of a sense of unity. Such splitting of proposed unitary authorities might create certain problems with regard to financial viability and obviously this would need to be thoroughly examined. But such an examination should take into account the Government's review of local government finance which has now been going on for a number of years and which might suggest ways of extending equalisation.

LOCAL COUNCILS

In a discussion document* entitled "Local Government Reform in England," published in August, 1969, the N.E.C. commented:

"There would seem to be a certain amount of confusion as to what the Commission's recommendations on local councils really mean."

The series of regional conferences indicated that this confusion was indeed very great. Among those who favoured some form of local councils, opinion seemed to split into those who wanted local councils having strong executive powers for particular functions based on old authority areas; and those who favoured the creation of "community councils" which would act as community sounding boards and have similar powers to parish councils. There was, however, a strong body of opinion opposed entirely to any such councils.

Despite the lack of enthusiasm for local councils at the regional conferences there can be no doubt that in some areas there is an increasing community consciousness and a desire to participate in formulating opinion about the immediate environment. The growth in recent years of civic societies and community and tenants' associations is an indication of this. A form of community council would, therefore, fulfil a need in some areas.

But the establishment of local councils covering the areas of former authorities would in some cases create areas which would be too large for the expression of true community feeling. (An example of such an area would be Nottingham.) Moreover, it would also tend to continue old differences and confuse the electorate rather than promote a new civic pride in the unitary authorities.

* "Local Government Reform in England: A Labour Party Discussion Document." The Labour Party, price 1s. 4d., post free.

It would seem, therefore, that the most satisfactory pattern would be to allow for the creation outside the metropolitan areas of community councils with powers similar to parish councils in those places where people *wanted* them.

If this suggestion were adopted, one method of establishing such councils would be to require that each community council be based on an electoral area or, in areas where there is a parish council, part of an electoral area, and to lay down a standard by which the desire of the inhabitants for the creation of a community council could be assessed (e.g., a certain proportion of ratepayers signing a petition and/or attending a meeting). The examination of such claims could be left to the unitary authority with a right of appeal to the Minister. There would be no need to see the creation of such councils as a once-for-all matter—rather as a continuing process.

The N.E.C.'s discussion document commented on the apparent contradictions in the Redcliffe-Maud proposals for the functions of local councils. If community councils were created their tasks could be to act as sounding boards, to comment on proposals affecting their areas, and to exercise local amenity functions in a similar manner to the present parish councils. The extent of these powers should be clearly defined.

Such a system would be in line with two of the recommendations on local councils made by Redcliffe-Maud, as follows:

"The most important function—and the only duty—of a local council should be to make known the views of the local community on any matters affecting it."

and that:

"Local councils should also have the power to spend money on improving the amenity and convenience of life in their areas without any limit other than the wishes of their electors and such restrictions as may be imposed for reasons of general economic policy."

But such a system would not be in accordance with the conflicting recommendation of Redcliffe-Maud that:

"In unitary (but not metropolitan) areas, local councils should be able to play a part, according to their resources and with the agreement of the unitary authority, in some of the main local government services; house building (on a small scale), house improvement, preservation, conservation, minor development and minor highway improvement."

To give community councils such powers would destroy one of the great advantages of the unitary system—that by concentrating services in one authority it is more readily comprehensible to the electorate. Moreover, community councils would not have the resources to tackle such tasks effectively.

PROVINCIAL COUNCILS

The Redcliffe-Maud proposals for provincial councils have been the subject of much criticism with regard to their proposed membership and the tasks suggested for them.

With regard to the functions proposed for provincial councils the N.E.C.'s discussion document commented:

"It may be questioned if these responsibilities without the regional economic planning functions would give the provincial councils any substantial work to do."

The document also commented on the fact that it seemed that little consideration had been given to whether or not the provincial councils should have any executive powers. Such executive powers might involve transport, location of industry and hospital planning. The consideration of this issue is central to any discussion of provincial councils for it raises the problem about the position of a provincial structure in relation to central government and to local government. Are the provincial councils to be arms of central government exercising powers on behalf of central government, or are they to be the top tier of local government?

The proposed membership of provincial councils has also been the subject of considerable criticism at the regional conferences and on other occasions. There is strong opposition within the Party to both indirect elections and co-options.

The arguments against indirect elections mentioned at the regional conferences (where about 95% of speakers supported direct elections) were as follows:

- (a) They are undemocratic.
- (b) The membership drawn on such a basis would tend to be exceedingly parochially minded and there would be very few members capable of taking a regional perspective.
- (c) Members, being also members of the unitary and metropolitan authorities, would be very busy and there might be a tendency to put the business of the provincial council in second place to that of the unitary or metropolitan authority.
- (d) There would be a tendency to "pension off" older members to the provincial council because the unitary authorities and metropolitan authorities wish to keep their best members for chairmanship of committees.
- (e) A small political majority on unitary and metropolitan authorities would be reflected in a large majority on the provincial councils.
- (f) If the provincial councils are to have executive powers (e.g., over location of industry) they must be seen as strong independent bodies otherwise there could be suspicions of these as there is of the present regional economic planning machinery.

On the other hand direct election also raises problems. If the limit of 75 members were applied in some provinces, this would mean electoral areas of 200,000 voters. Such size would obviously raise problems, both for the Party organisation and the elected members. If elections were based on constituencies, the southern provincial council would have

187 members. Again there would be organisational problems if members were elected on the basis of one per authority (unitary, metropolitan district and London borough); and the Party has supported G.L.C. elections being held on a constituency basis in part to overcome these problems. There would also be considerable disparity in electorates. London boroughs vary in size of electorate from 120,000 to 220,000 and the unitary authorities in the South-East Province vary from 150,000 (Bedford) to 545,000 (West Surrey). This inequality would be very difficult to defend. Moreover, large electorates are undesirable as they present immense organisational and financial problems at election times as well as creating difficulties for the elected member. Direct elections in the metropolitan areas might also lead to confusion as they would mean that occasionally there would be two elections in one year. Finally, the remoteness of the provincial councils from the ordinary elector might lead to very low polls.

Strong opposition to co-options has also been expressed. This opposition stems in part from a feeling that co-options are undemocratic, but also because it is argued that if expert advice is required this can be obtained without the need to grant membership to advisers. It would seem, therefore, that if co-options are to be used at all they might be limited to less than the proportion advocated by Redcliffe-Maud. A limit of 10% co-opted members compared to the Commission's 25% would certainly meet with less opposition. Co-option would also be made more acceptable if co-opted members were not given voting rights.

A further complication in consideration of the proposed provinces is the existence of the Crowther Commission on the Constitution which is covering Scotland and Wales as well as England, and to which the Labour Party will be submitting evidence. Because of this and because the provincial councils envisaged by Redcliffe-Maud are more related to central than the local government, perhaps the best course of action would be to press ahead with the creation of unitary and metropolitan authorities and to consider the provincial structure in England further in the

light of the Crowther Report. This need not, however, prevent decisions being taken before that time on devolution in Scotland and Wales where there are no difficulties over boundaries and where responsibility for certain functions might be devolved at an earlier date.

It is most important that serious thought be given to the more long-term role of provinces or similar regional structures in England. In this context the future of the various regional bodies which now exist, such as gas and electricity consultative councils and sports and arts councils, should be considered, besides of course the regional economic planning machinery. The N.E.C.'s regional policy study group is currently examining regional economic policy and a report will be published in the near future.

ELECTIONS

Considerable concern was expressed at our regional conferences about the proposal that all councillors should retire together triennially or quadrennially. Delegates feared that such an arrangement would lead to lack of continuity of membership of the authorities, and would also be bad in organisational terms. Accordingly it is recommended that a system of election whereby half the council stands for election every two years be adopted. In metropolitan areas the elections for the metropolitan authorities and for the metropolitan districts would be held on alternate years, thus ensuring one election each year. In unitary areas where there are community councils it is suggested that these also be held in the other year from that of the unitary authorities. The idea of single member wards is widely supported as it is felt to be less confusing to the electorate, and would lead to more direct responsibility for the individual councillor. There would, for example, be less opportunity for one councillor to rely on the others to do his constituency work for him. In addition to supporting single member wards, the N.E.C. favours the proposal that elections for all of the same type of authority be held on a single day. This would be far less confusing to the electorate than the present system whereby county or district council elections are scattered

over a whole week. The number of councillors should be related to the circumstances of each authority.

ALDERMEN

The Commission's recommendation that the office of alderman should be abolished is in line with Labour Party policy. Aldermen are not essential to provide continuity of experience or to make special knowledge available to councils. Democracy will be better served if the effects of public voting are not delayed by the presence of aldermen.

ALLOWANCES

Considerable dissatisfaction was expressed at the regional conference about the present system of loss of earnings allowances. It was felt that there was a need for great improvement if people of the right calibre were to be encouraged to serve on the new authorities. The objections to the present system of loss of earnings allowances were as follows:

- (a) They are inadequate for councillors serving on large authorities and thus impose financial hardship on their families as well as on councillors themselves.
- (b) The method of making claims and collecting money is degrading to the councillor.
- (c) The self-employed person has considerable difficulty in obtaining them due to the strict requirements with regard to substantiation of claims.
- (d) Young married women with children would be encouraged to serve on authorities if they could claim the cost of employing somebody to look after their children during the hours of council business, but they cannot do so.
- (e) Graduated social security benefits are reduced by council service.
- (f) Labour councillors are attacked in local election campaigns for claiming the loss of earnings allowances due to them.

- (g) The net result of these and other difficulties is that the typical large authority is composed of elderly retired gentlemen and middle-aged housewives.

However, there were no detailed proposals for a satisfactory solution. Those who advocated increased loss of earnings allowances were unclear as to what would be a satisfactory level and some seemed also to favour some additional allowances to people who were not employed. Those who advocated payment of councillors were divided. Some wanted a small sum because they feared the career-politician which could emerge from the full-time councillor; while there were others who argued for substantial allowances in the range of £2,000 plus.

It is obvious that this question needs a very thorough examination and that a better system must be introduced immediately a new local government structure is established. One method might be to pay all councillors a lump sum of, say, between £800 and £1,000, in addition to travelling and subsistence allowances. This could be accounted as earned income. Thus those with higher incomes would receive net less than those with low incomes and young married women with no other incomes at all; while the possibility of overcoming the problem of reduced graduated benefits would also be more capable of solution. But such a proposal, though attractive, would need to be examined further. First, it would be necessary to assess how much such a scheme would cost (probably from £3 million to £4 million) and how much more this would be than the present cost of loss of earnings allowances. Second, it would be important to decide whether or not chairmen of major committees should receive larger allowances. There seems so much opposition in some areas to the latter proposal and committee structures differ so much from authority to authority that it might seem best to leave this choice to the individual authorities.

The creation of large unitary authorities in areas such as East Anglia and the South-West where there is a wide geographical scatter of population could create problems for councillors who have to rely on public transport. Accordingly,

it is recommended that it should be made clear that where public transport is unsuitable for the fulfilment of council business and councillors do not have their own means of private transport, the local authorities should provide them with some.

FINANCE

The N.E.C.'s discussion document commented on the fact that the Commission did not really examine the problem of local government finance except to urge that local government should have a wider tax base. Such a wider tax base is certainly desirable if local government is to remain local and it is to be hoped that the Government's review of local authority finance, which has been going on for a number of years, will propose additional sources of revenue apart from rates. But the problem of local government finance is wider than this. It is most important that the new authorities should not be subjected to the same amount of detailed Whitehall control as are existing authorities. Hence the announcement that the Minister of Housing is examining ways of freeing authorities from certain aspects of this control is very welcome. Such increased freedom should as far as practicable be consistent with the need to ensure the implementation of national policies which the Government at Westminster is elected to fulfil.

"ULTRA VIRES"

The Royal Commission recommended that authorities should be given a general power to spend money for the benefit of their areas and inhabitants, additional to their expenditure on services for which they have a statutory responsibility. Effectively this would merely mean the removal of the one penny limit under the Local Government (Financial Provisions) Act, 1963.

Such a change would not have a very significant effect in promoting municipal enterprise. Accordingly, the N.E.C. would agree with Mr. Derek Senior's proposal that if possible

the doctrine of *ultra vires* should be abolished and replaced by certain statutory safeguards. However, the N.E.C. recognises that there may be difficulties in drawing up such a system and in such circumstances would support the Maud Committee's recommendations that *"local authorities should be given a general competence to do (in addition to what legislation already requires or permits them to do) whatever in their opinion is in the interests of their areas or their inhabitants subject to their not encroaching on the duties of other governmental bodies and to appropriate safeguards for the protection of public and private interests."*

Such a reform would do much to encourage municipal enterprise and is wholly in accordance with decisions of Annual Conference taken over the years.

COMMITTEES

The Redcliffe-Maud Report said that in every main authority there should be a central committee to advise the council on its strategy and priorities, co-ordinate the policies and work of the service committees, and ensure that the best managerial methods are adopted. This links with the recommendation made by the N.E.C. that each authority should establish a policy committee and not, as the Maud Committee suggested, a managerial board. The Commission's Report also recommended a streamlining of the general committee structure. This, too, is in accordance with our previous recommendation that the number of committees should be reduced so that co-ordination can be increased.

ELECTED MEMBERS AND OFFICERS

The Royal Commission Report, like the Maud Committee, recommended that there should be a clear division of labour between councillors and officers; the former being responsible for broad policy and the latter for detailed administration.

One of the greatest weaknesses of the present system is the confusion of functions between elected representatives and

officers and the consequent failure to delegate responsibility. Often the result is that elected representatives get bogged down in detail and only officers find time to plan ahead—a reversal of their proper roles. For these reasons the Labour Party has frequently urged on local authority members the need for such a division of labour.

Such a clear division does not mean less democracy or less humanity. Nor does it mean that local councillors should cease to deal with individual cases. Indeed, a clearer division of labour would result in greater efficiency and hence in an increase in general well-being. However, such a clear division obviously accentuates the need for really good councillors who know their subjects. This makes it even more important that local Labour parties should select candidates on the basis of their abilities and the service they can give on the council and not on the basis of "Buggins's turn" or because Councillor X happens to have been on the council for 50 years already. It also makes it important to ensure that head office services are readily available to candidates and councillors.

PRESS

Local government reform should not aim to create merely a more efficient system, its purpose should also be to increase humanity and democracy. A number of the proposals so far discussed will do this, but there are other aspects. One of these is the promotion of good relations between local government and the Press, TV and radio. Local government must cease to be so secretive. Ratepayers should know why and how their elected representatives are spending their money. One means of reducing secrecy is to ensure that the Press are admitted to committee meetings whenever possible. The legislation which provides for such admission to full council meetings should, therefore, be extended to cover council committees.

MEMBERSHIP OF LOCAL AUTHORITIES

The reform of local government which will obviously involve considerable legislation will provide an opportunity for

amending the legislation on disqualifications for council membership. Larger authorities would mean that considerably more people would be barred from local government if the present provisions relating to disqualification remain. Even today it is estimated that in certain areas about 10 per cent of the working population are ineligible for council membership due to their employment.

The N.E.C. would, therefore, wish to see the law on disqualifications amended to enable employees below a certain level to become members of their authority.

TIME OFF

A major problem for existing councillors is to obtain time off work for council business. This was mentioned at all the regional conferences and there was great concern that larger authorities would mean more day-time meetings and hence would aggravate the problem. We would, therefore, recommend that legislation be drawn up to require employers of labour forces above a certain size to give council members a certain minimum amount of time off each year so that they can undertake council business. Such legislation would not overcome the problem of the adverse effects on promotion prospects of council membership or the difficulties of councillors in getting new jobs. It would, however, be a step in the right direction.

SCHOOL MANAGERS AND GOVERNORS

The Redcliffe-Maud Commission recommended that the sphere of action open to school and college managers and governors should be widened. This can only be done effectively if they are given responsibility for the spending of a certain amount of money. But if school managers and governors are to be given money to spend it is important to ensure that each managing and governing body represents a range of interest—local councillors, local organisations, parents and teachers should all have representatives on these bodies.

LOCAL TOWN HALLS

The Commission recommends that there should be local "town halls" where people can take their questions and complaints about any local government service. The Commission does not suggest precise arrangements for these "town halls." It might, however, be desirable if model proposals were made; in particular, the Redcliffe-Maud concept of the local "town hall" might be extended so that located in the same building would be services for consumer protection and the local branch of the Citizens' Advice Bureau. Councillors' surgeries might also be located in the same building.

THE HEALTH SERVICE

For many years members of the Labour movement have been dissatisfied with the Party's representation on Regional Hospital Boards and Hospital Management Committees. The reorganisation of local government provides an opportunity to reorganise the National Health Service, not only by increasing co-ordination but also by increasing the element of democratic control.

The N.E.C.'s discussion document welcomed the Commission's recommendation that consideration should be given to the possibility of unifying responsibility for the National Health Service within the new system of local government, and expressed the view that the reform of the Health Service is closely related to the reform of local government. A conference on the Health Service which the N.E.C. proposes to hold will provide opportunities for some Party members involved to express their views. It is, however, most important that the Government now considers the reform of the Health Service in relation to the general reform of local government; that an attempt is made to relate any proposed areas for Health Service administration to those of local government; and that the democratic element in the Health Service be increased. The Party will need to consider the proposed second Green Paper on the Health Service in the light of these criteria.

"AD HOC" BODIES

The Royal Commission expressed the hope that a reformed local government structure would encourage devolution from Whitehall. This wish has been fully endorsed by the N.E.C., but there is a further way in which regional and local decisions can be made more democratic, i.e., by the abolition as far as possible of *ad hoc* and joint bodies. Where in the past joint boards have been created because of the small size of existing authorities, the reform of local government will provide an opportunity for the transfer of responsibility to the newly-created local authorities.

The advent of metropolitan authorities would provide an opportunity to incorporate the Passenger Transport Authorities in the new structure.

The progress towards a great reduction in the number of separate police authorities is welcomed. While it is essential that police authorities should be larger than the proposed new authorities, consideration should be given to ways of relating the police authority boundaries to the boundaries of the new local authorities.

Local government reform will also provide an opportunity to transfer assets of completed new towns to the local authorities.

TIMING

Delay causes insecurity to employees; uncertainty as to their future encourages local authorities to put off decisions on policies and major improvements; and rumours that a local authority is to be abolished could increase electoral apathy. It is, therefore, most important that legislation be introduced as soon as possible to implement proposals made in the White Paper which the Government has promised in the near future.

Summary of Recommendations

- i. Outside the major conurbations unitary authorities would seem to be the most satisfactory form of local government.
- ii. Consideration should be given to the creation of a very few more unitary authorities.
- iii. Consideration should be given to an increase in the number of metropolitan areas.
- iv. In the metropolitan areas education should be the responsibility of the metropolitan authority and not of the metropolitan districts.
- v. The new structure should allow for the creation of community councils outside the metropolitan areas with powers similar to parish council, in those areas where people want them.
- vi. The role and membership of the provincial councils will need to be further considered in the light of the Crowther Report.
- vii. Councillors should hold office for four years and half the council should retire every two years.
- viii. Elections for metropolitan district and community councils should be held in the alternate year to those for metropolitan and unitary authorities.
- ix. Single member wards would be less confusing to the electorate and would give the individual councillor more direct responsibility.
- x. The number of councillors should be related to the circumstances of each authority.
- xi. The office of alderman should be abolished.
- xii. The system of allowances should be revised at the same time as local government is reformed. A method of doing this might be to pay councillors a lump sum which would be taxable instead of the present loss of earnings allowances.

- xiii. Where public transport is inadequate local authorities should provide councillors who do not have their own means of private transport with transport when undertaking council business.
- xiv. The problem of local government finance needs careful examination.
- xv. The new authorities should be freed from detailed Whitehall control.
- xvi. The law of *ultra vires* should be abolished.
- xvii. Each new authority should have a policy committee charged with the twin tasks of co-ordinating policy and ensuring its application.
- xviii. There should be a clear division of labour between councillor and officer.
- xix. Legislation should be introduced to extend the requirements on admission of the Press to full council meetings, to cover committee meetings.
- xx. The law on disqualification should be amended to enable employees below a certain level to become members of their employing authority.
- xxi. Employers of labour forces above a certain size should be required by law to give councillor employees a certain minimum amount of time off each year for council business.
- xxii. School managers and governors should be truly representative of a range of local interests, and should be given responsibility for the spending of a certain amount of money.
- xxiii. If local "town halls" are established as far as possible they should be able to deal with complaints and provide information on the spot. Councillors' surgeries, services for consumer protection and local Citizens' Advice Bureaux should, if possible, be located in these "town halls."

- xxiv. The reform of the health services should be related to that of local government; and the opportunity taken to increase the element of democratic control in the health services.
- xxv. The advent of metropolitan authorities provides an opportunity to incorporate the Passenger Transport Authorities in the new structure.
- xxvi. Where joint boards have been created because of the smallness of existing authorities, the reform of local government will provide an opportunity for transfer of responsibility to the new authorities.
- xxvii. While it is essential that police areas should be larger than the proposed new authorities, consideration should be given to ways of relating police authority boundaries to those of the new authorities.
- xxviii. The housing assets of completed new towns should be transferred to the new local authorities.
- xxix. Legislation on reform should be introduced as soon as possible.

Recommended reading—

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